

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK JOSEPH KELLEY,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

No. 2:21-cv-01794-KJM-JDP (PC)

ORDER

Plaintiff, proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 19, 2022, the magistrate judge filed findings and recommendations, which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. No objections were filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . ."). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 19, 2022, are adopted in full;
  2. Plaintiff's amended complaint, ECF No. 9, is dismissed without leave to amend for to state a cognizable claim; and
  3. The Clerk of Court is directed to close this case.

DATED: October 26, 2022.

**CHIEF UNITED STATES DISTRICT JUDGE**